



THE FOLLOWING ORDER  
IS APPROVED AND ENTERED  
AS THE ORDER OF THIS COURT:

DATED: September 28, 2018

*Susan V. Kelley*  
Susan V. Kelley

Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

In Re: Kelly Ann Rotruck,  
Debtor.

Chapter 13 Bankruptcy  
Case No. 18-20930-svk

**ORDER DENYING TRUSTEE'S MOTION TO DISMISS**

The Chapter 13 Trustee represents that the Trustee and the Debtor, through counsel, have agreed that the Trustee's Motion to Dismiss may be denied based on the following terms:

1. The Debtor shall pay \$350.00 monthly, or such other amount as specified under the terms of any subsequent Chapter 13 plan confirmed by this Court, to be mailed to the Office of the Chapter 13 Trustee at P. O. Box 730, Memphis, TN 38101-0730 on or before the last day of each month, commencing with October 2018.
2. Should the Debtor fail to mail the equivalent of one monthly payment through and including March 2019, as provided above, the Trustee may submit an Affidavit of Default and a proposed Order Dismissing Case.
3. If the Debtor pays the Trustee directly rather than through an employer and the Trustee receives the Debtor's payment on or before the 10th day of the month following the month for which such payment was due, the Trustee will consider the payment to have been made timely. If the Trustee receives such payment after the 10th day of the month following the month for which such payment was due and the postmark date is after the last day of such month, the Debtor must prove that the payment was mailed on or before the last day of the month for which it was due.

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4. The deadlines referred to in the above paragraph will be strictly enforced. **If the Debtor needs relief from the deadlines for payments, the Debtor should seek relief from these deadlines before the Trustee files an Affidavit of Default. If, however, the Trustee has filed an Affidavit of Default and the Debtor objects to such Affidavit, the Debtor shall file the objection within 7 days after the Trustee has filed the Affidavit of Default and should file the objection only if the Debtor can prove either (a) that there was no default or (b) that extraordinary circumstances existed.**

**IT IS THEREFORE ORDERED THAT:**

Based on and subject to these agreed terms, the Motion to Dismiss is denied.

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